

THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

TERRA PARTNERS; TERRA XXI, LTD.;
ROBERT WAYNE VEIGEL;
ELLA MARIE WILLIAMS VEIGEL;
VEIGEL FARMS, INC.; VEIGEL CATTLE
COMPANY; and VEIGEL FARM PARTNERS,

Plaintiffs,

v.

No. 2:15-cv-236-J

AG ACCEPTANCE CORPORATION,

Defendant.

MOTION TO PERMIT FILING OF RESPONSE OUT OF
TIME AND TO STAY PROCEEDINGS

Keleher & McLeod, P.A. (Jeffrey Dahl and Justin Breen) (collectively "Movant") hereby requests that the Court permit Plaintiffs to file a response to Defendants Motion For Summary Judgment [Doc. 55] out of time, pending a ruling on the Movant's motion to permit withdrawal as counsel and Plaintiffs' retention of new counsel, and to stay further proceedings in this matter pending Plaintiffs' retention of replacement counsel, and in support thereof states:

1. On February 5, 2016, Movants filed a Motion To Withdraw As Counsel [Doc. 53]. As grounds for that motion, Movants cite irreconcilable differences between Movant and Plaintiffs as to how the course of this litigation should proceed and that, as a result of those differences, the attorney client relationship has deteriorated substantially to the point that Movant's representation of Plaintiffs cannot continue. [Id.]

2. After the filing of Movant's motion to permit withdrawal, but on the same day as that filing, Defendant filed its Motion For Summary Judgment [Doc. 55.]

3. On February 8, 2016, the Court entered an Order [Doc. 58] requiring, among other things, that Plaintiffs retain counsel within 21 days of the date of the Order. The Court is then going to "...further rule upon the relief requested in [the motion to permit withdrawal as counsel]..." after the appearance of new counsel. [Id.]

4. Upon information and belief, no counsel has entered an appearance on behalf of Plaintiffs.

5. Movant respectfully requests that, after ruling on the motion to permit withdraw, the Court permit Plaintiffs to file a response to the Defendants' Motion For Summary Judgment.

6. Movant also respectfully requests that the Plaintiffs' pretrial deadlines be temporarily stayed pending a ruling on the motion to permit withdrawal and Plaintiffs' retention of replacement counsel.

7. This motion is opposed by Defendant.

WHEREFORE, Movant respectfully requests that the Court permit a response to the Motion For Summary Judgment to be filed out of time, after a ruling on the Motion To Permit Withdrawal, and that the Court permit a temporary stay of proceedings pending Plaintiffs' retention of replacement counsel.

Respectfully submitted,

KELEHER & MCLEOD, P.A.

By: /s/ Justin B. Breen

Filed Electronically on March 4, 2016

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CERTIFICATE OF CONFERENCE

I certify that on the 4th day of March 2016, Justin Breen contacted by phone Barbara Whiten Balliette at the law office of Reid Collins & Tsai LLP, counsel for Defendant Ag Acceptance Corporation, regarding the relief requested in this Motion. Ms. Balliette has noted her opposition to the relief requested in this Motion.

/s/ Justin B. Breen

Justin B. Breen

CERTIFICATE OF SERVICE

THIS HEREBY CERTIFIES that on March 4, 2016, I electronically filed the foregoing document with the Clerk of the Court for the Northern District Of Texas by using the CM/ECF system, which will send a notice of electronic filing to the following CM/ECF participants:

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/s/ Justin B. Breen

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